

CG8-CC-0932

MT. CARMEL

CHURCH

9610 East 42nd Street, Indianapolis, IN 46235

Phone: 317-890-2740 Fax: 317-890-2760



December 7, 2009

Dr. Theron D. Williams, I - Senior Pastor

Received & Inspected

DEC 14 2009

FCC Mail Room

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, D.C. 20554

Re: Petition for Undue Burden Exemption
from Closed Captioning Rules

Dear Ms. Dortch:

This letter is submitted pursuant to 47 C.F.R. §79.1(f) and requests an exemption on behalf of **Mt. Carmel Baptist Church** from the FCC's closed captioning rules based on undue burden. In accordance with 47 C.F.R. §79.1(f)(4), the original and two copies of this letter and all support are being provided.

Mt. Carmel Baptist Church is a donor supported non-profit organization under the laws of the state of Indiana. Since **November of 2002**, we have produced **two weekly 30-minute** video programs called **"In Spirit & In Truth"**. **"In Spirit & In Truth"** is a program that **teaches the Gospel and provides spiritual inspiration through preaching, teaching and music**. **"In Spirit & In Truth"** is locally produced in-house by the **Mt. Carmel Baptist Church** staff, and is broadcast to the public on **WHMB TV-40, Indianapolis**. **Mt. Carmel Baptist Church** pays **WHMB \$1,000 per week** to air the **two** shows over its broadcast facilities.

Captioning the program would present an undue burden for several reasons. First, since we do not have the resources to caption the program ourselves, it would have to be sent to an outside source for captioning. Second, the added production cost for captioning would make production of the program unaffordable and the time for captioning would make meeting **WHMB** air-date deadlines impossible. Finally, a captioning requirement would ultimately cause us to either terminate or severely limit production of the program, and cause us to lose viewers and supporters who would no longer be able to regularly view the program. We have discussed with **WHMB** the possibility of their assisting us in captioning the program at no cost, but they have advised us that they do not have the necessary resources or staffing to perform captioning on our behalf.

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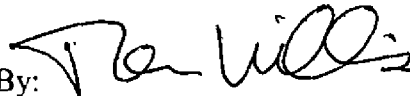
Dr. Theron D. Williams, I - Senior Pastor

Mt. Carmel Baptist Church respectfully submits that the basis for its captioning exemption request based on undue burden is practically identical to the facts justifying undue burden exemptions in the Commission's 2006 Memorandum Opinion & Order, *In Re: Anglers for Christ Ministries, Inc. & New Beginning Ministries Petitions for Exemption from Closed Captioning Requirements, CGB-CC-0005 and -0007, 21 FCC Rcd 10094 (September 12, 2006)*. In light of that precedent, and the facts set forth in this letter, we respectfully request that **Mt. Carmel Baptist Church** be granted an undue burden exemption from the captioning requirements for "**In Spirit & In Truth**".

In support of our request, we provide a copy of certain documents establishing **Mt. Carmel Baptist Church's** non-profit status. In addition, as permitted by §1.16 of the Commission's rules, we are providing a Declaration Under Penalty of Perjury in support of the facts set forth in this request for exemption in lieu of the affidavit required by §79.1(f)(9). Should the Commission require additional information, please contact the undersigned individual.

Respectfully:

Mt. Carmel Baptist Church

By: 

Printed Name: Dr. Theron D. Williams

Title: Senior Pastor

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**Declaration Under Penalty of Perjury of Dr. Theron D. Williams
in support of Mt. Carmel Baptist Church's Request for Undue Burden
Exemption from Closed Captioning Rules**

I, **Dr. Theron D. Williams, Senior Pastor of Mt. Carmel Baptist Church**, do hereby declare under penalty of perjury of the laws of the United States of America that the following statements are true and correct.

1. **Mt. Carmel Baptist Church** is a donor supported non-profit organization organized under the laws of the state of **Indiana**.

2. Since 2002, **Mt. Carmel Baptist Church** has produced two 30-minute video programs called "**In Spirit & In Truth**". "**In Spirit & In Truth**" is a program that teaches the Gospel and provides spiritual inspiration through preaching, teaching and music. "**In Spirit & In Truth**" is locally produced in-house by **Mt. Carmel Baptist Church** staff, and is broadcast to the public on **WHMB-TV 40, Indianapolis**. **Mt. Carmel Baptist Church** pays **WHMB \$1,000 per week** to air the 2 shows over its broadcast facilities.

3. **Mt. Carmel Baptist Church** has discussed with **WHMB** the possibility of their assisting in captioning "**In Spirit & In Truth**" at no cost, but they have advised us that they do not have the necessary resources or staffing to perform captioning on our behalf.

4. Captioning "**In Spirit & In Truth**" would present an undue burden because we do not have the resources to caption the program ourselves, and it would have to be sent to an outside source for captioning.

5. The added production cost for captioning would make production of the program unaffordable and the time for captioning would make meeting **WHMB** air-date deadlines impossible.

6. A captioning requirement for "**In Spirit & In Truth**" would ultimately cause **Mt. Carmel Baptist Church** to either terminate or severely limit production of the program, and cause us to lose viewers and supporters who would no longer be able to regularly view the program.

Executed on December 7, 2009

Signature

STATE OF INDIANA
OFFICE OF THE SECRETARY OF STATE

CERTIFICATE OF INCORPORATION

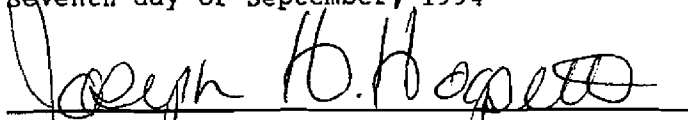
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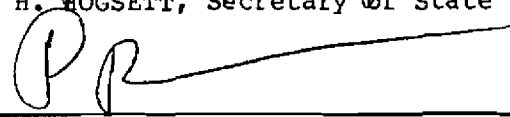
MT. CARMEL BAPTIST CHURCH, INC.

I, JOSEPH H. HOGSETT, Secretary of State of Indiana, hereby certify that Articles of Incorporation of the above corporation have been presented to me at my office accompanied by the fees prescribed by law; that I have found such Articles conform to law; all as prescribed by the provisions of the Indiana Nonprofit Corporation Act of 1991, as amended.

NOW, THEREFORE, I hereby issue to such corporation this Certificate of Incorporation, and further certify that its corporate existence will begin September 07, 1994.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the State of Indiana, at the City of Indianapolis, this Seventh day of September, 1994


JOSEPH H. HOGSETT, Secretary of State

By  Deputy

